

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

STEVEN E. HAMMER, individually and on)	
behalf of all others similarly situated,)	
)	
Plaintiff,)	
)	
v.)	Case No. 08-CV-339-FJG
)	
JP'S SOUTHWESTERN FOODS, L.L.C. d/b/a)	
JOSE PEPPER'S BORDER GRILL &)	
CANTINA; and DOES 1 through 10, inclusive,)	
)	
Defendants.)	

JP'S MOTION TO DECERTIFY CLASS

Defendant, JP'S Southwestern Foods, L.L.C. ("JP's"), by and through its attorneys, pursuant to Federal Rule of Civil Procedure 23, hereby moves to decertify the class in this case and in support thereof refers the Court to its Suggestions in Support of Motion to Decertify Class.

WHEREFORE, Defendant, JP's Southwestern Foods, L.L.C., prays that this Honorable Court decertify the class in this case.

JP'S SOUTHWESTERN FOODS, L.L.C. d/b/a
JOSE PEPPER'S BORDER GRILL & CANTINA

By: /s/Joseph Gagnon
One of Its Attorneys

James K. Borcia
David O. Yuen
Tressler LLP
233 South Wacker Drive, 22nd Floor
Chicago, IL 60606
(312) 627-4000

Joseph Gagnon
Gagnon Law Firm, LLC
P.O. Box 208
504 Center Street, Suite E
Lathrop, MO 64465
(816) 740-4541

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Ryan L. McClelland
The Flagship Building
200 Westwoods Drive
Liberty, MO 64068- 1170

Fred Walters
Walters. Bender. Strohbehn & Vaughan. P.C.
2500 City Center Square
1100 Main Street
Kansas City, MO 64196

s/ Joseph Gagnon

Joseph Gagnon
Gagnon Law Firm. LLC
P.O. Box 208
504 Center Street. Suite E
Lathrop, MO 6446;
(816) 740-4541

James K. Borcia
Tressler LLP
233 South Wacker Drive, 22nd Floor
Chicago. IL 60606
(312) 627-4000